

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Cleo M. Erickson Living Trust; Robert A.
Erickson, Living Trust; Amelia F.
Johnson

OBJECTOR: United States of America (Bureau of
Reclamation)

CASE 43A-0569-R-2020

43A 31379-00	43A 30159536
43A 31380-00	43A 30159537
43A 31381-00	43A 30159538
43A 31383-00	43A 30159539

**ORDER ADOPTING MASTER'S REPORT
AND
CORRECTING ABSTRACTS**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 43A-0569-R-2020 was assigned to Water Master Anika M. Stern. The Water Master filed a Report containing Findings of Fact and Conclusions of Law on April 10, 2023. On April 19, 2023, the United States of America (Bureau of Reclamation) objected to the Master's Report based on multiple use remarks not being added to claims 43A 31059538 and 43A 31059539.

The Objection correctly states:

The United States and Claimants stipulated that all components of the split claims other than those that were modified by the stipulation would be the same as the parent claims. Stipulation, ¶¶ 9, 12. Claims 43A 31059538 and 43A 31059539 are missing the multiple use remarks. The remarks were included on the proposed abstracts submitted with the stipulation. Stipulation, at 27, 30.

The multiple use remarks proposed in the Stipulation fail to reference the parent claim. Therefore, slightly modified multiple use remarks will be added to claims 43A 31059538, 43A 31059539, the irrigation claims in each multiple use relationship, and the parent claims. The multiple use remark added to claims 43A 31378-00, 43A 31381-00, and 43A 30159538 will state:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31378-00

31381-00

30159538

The multiple use remark added to claims 43A 31377-00, 43A 31383-00, and 43A 30159539 will state:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31377-00

31383-00

30159539

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report.

Corrected Post Decree Abstracts for the claims in this Case are served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31379-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: APRIL 1, 1890

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.25 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31379-00 AND 43A 30159536 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.25 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	1.00	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

SPLIT CLAIM NO. 43A 30159536 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31380-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: MAY 1, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 224.40 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31380-00 AND 43A 30159537 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 224.40 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	1.00	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

SPLIT CLAIM NO. 43A 30159537 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31381-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: APRIL 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 394.94 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31381-00 AND 43A 30159538 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 394.94 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		E2SESE	13	1N	9E	PARK
2	2.00		SENESE	13	1N	9E	PARK
3	23.00		SWSE	13	1N	9E	PARK
4	1.00		S2NWSE	13	1N	9E	PARK
5	19.00		SESW	13	1N	9E	PARK
6	1.00		NESWSW	13	1N	9E	PARK
7	1.00		SWNESW	13	1N	9E	PARK
8	23.00		NENE	24	1N	9E	PARK
9	6.00		NWNWNE	24	1N	9E	PARK

10	1.00	NENENW	24	1N	9E	PARK
Total:	96.00					

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31378-00 31381-00 30159538

SPLIT CLAIM NO. 43A 30159538 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 31383-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMELIA F JOHNSON
594 SHIELDS RIVER RD E
LIVINGSTON, MT 59047 9332

Priority Date: JUNE 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31383-00 AND 43A 30159539 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.75 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 30.00

Source Name: SHIELDS RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	13	1N	9E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWER SHIELDS RIVER CANAL

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		SWNESW	13	1N	9E	PARK
2	1.00		NESWSW	13	1N	9E	PARK
3	20.00		SESW	13	1N	9E	PARK
4	1.00		SWSWSE	24	1N	9E	PARK
5	1.00		NENENW	24	1N	9E	PARK
6	6.00		NWNWNE	24	1N	9E	PARK

Total: 30.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31377-00 31383-00 30159539

SPLIT CLAIM NO. 43A 30159539 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159536 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: APRIL 1, 1890

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.25 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31379-00 AND 43A 30159536 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.25 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSE	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWN	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						174.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31379-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159537 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: MAY 1, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 224.40 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31380-00 AND 43A 30159537 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 224.40 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSW	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWNW	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						174.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31380-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159538 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: APRIL 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 394.94 GPM

THE FLOW RATE FOR CLAIM NOS. 43A 31381-00 AND 43A 30159538 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 394.94 GPM.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 174.00

Source Name: CHICKEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNW	18	1N	10E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BIRCH DITCH

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		W2NESE	13	1N	9E	PARK
2	26.00		NWSE	13	1N	9E	PARK
3	1.50		SENESE	13	1N	9E	PARK
4	1.00		SWNESE	13	1N	9E	PARK
5	19.00		NWSW	13	1N	9E	PARK
6	7.00		E2SWSW	13	1N	9E	PARK
7	2.00		NESESE	13	1N	9E	PARK

8	3.00	NWSWSE	13	1N	9E	PARK
9	2.00	S2SESW	13	1N	9E	PARK
10	8.00	S2NWN	24	1N	9E	PARK
11	11.50	NENW	24	1N	9E	PARK
12	3.00	NESENW	24	1N	9E	PARK
13	52.00	S2NE	24	1N	9E	PARK
14	5.00	NENWSE	24	1N	9E	PARK
15	25.00	NESE	24	1N	9E	PARK
Total:						174.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31378-00 31381-00 30159538

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31381-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30159539 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ERICKSON, ROBERT A. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

ERICKSON, CLEO M. LIVING TRUST
PO BOX 2658
WILLISTON, ND 58802

Priority Date: JUNE 1, 1882

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

THE FLOW RATE FOR CLAIM NOS. 43A 31383-00 AND 43A 30159539 IS SHARED AND IS CUMULATIVE. THE TOTAL FLOW RATE FOR BOTH CLAIMS WILL NOT EXCEED 3.75 CFS.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 106.50

Source Name: SHIELDS RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	13	1N	9E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWER SHIELDS RIVER CANAL

Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		S2SESW	13	1N	9E	PARK
2	8.00		S2NWNE	24	1N	9E	PARK
3	11.50		NENW	24	1N	9E	PARK
4	3.00		NESENW	24	1N	9E	PARK
5	52.00		S2NE	24	1N	9E	PARK
6	5.00		NENWSE	24	1N	9E	PARK

7	25.00	NESE	24	1N	9E	PARK
Total:	106.50					

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

31377-00 31383-00 30159539

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43A 31383-00.